

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. CR-21-311-BMJ

EUGENE LEE DOZIER, SR.,

Defendant.

MOTION TO CORRECT JUDGMENT

COMES NOW the United States of America by and through, Christopher J. Wilson, United States Attorney for the Eastern District of Oklahoma, and Clay A. Compton, Assistant United States Attorney, and pursuant to Fed. R. Crim. P. 36, moves this Honorable Court for an Order correcting the written Judgment herein (Doc. # 105) entered by the Court on November 27, 2023. In support of its motion, the government alleges and states:

On July 26, 2022, Defendant was indicted with a Second Superseding Indictment alleging charges in Count One of Engaging in the Business of Dealing, Importing, and Manufacturing Firearms Without a License; in Count Two with Transferring a Firearm to an Out-of-State Resident; in Count Three with Possession of an Unregistered Firearm; in Count Four with Possession of a Firearm Unidentified by Serial Number; and in Count Five with Transfer of Unregistered Firearm.

The Second Superseding Indictment (Doc. # 62) contained a forfeiture allegation which sought forfeiture of:

- one (1) Taurus G3 9 mm Pistol bearing serial number ACH115995;
- one (1) firearm silencer bearing markings: ML25LT 3CLE200383511 Freedom Engineering ½ to LED C Mag;
- one (1) firearm silencer described as a non-ferrous metal cylindrical device with black finish on the exterior measuring approximately 9-3/4 inches in length and containing a monocore baffle and not identified by a serial number (ATF Exhibit 10);

- one (1) firearm silencer described as a non-ferrous metal cylindrical device with black finish on the exterior measuring approximately 9-3/4 inches in length and containing a monocore baffle and not identified by a serial number (ATF Exhibit 36A);
- one (1) firearm silencer described as a non-ferrous metal cylindrical device that is silver in color measuring approximately 9-7/8 inches and not identified by a serial number;
- one (1) firearm silencer described as a set of six firearm baffles, silver in color, made from an aluminum material measuring 1-1/8 inches in length and not identified by a serial number;
- one (1) firearm silencer described as a cylindrical device, silver in color measuring approximately 9-5/8 inches in length containing an outer body and a monocore baffle which incorporates integral front and rear end-caps and not identified by a serial number (ATF exhibit 40);
- one (1) Aero Precision, Model X15, serial number X390376;
- one (1) Unknown Mfg, Unknown model, serial number RX6626;
- one (1) Taurus, Model G3, serial number ACH116328;
- one (1) Taurus, Model G3, serial number ACH115995;
- fifty (50) rounds Sellier and Bellot 9mm ammunition;
- fifty (50) rounds Sellier and Bellot 9mm ammunition;
- four (4) rounds .300 Win Mag ammunition; and
- twenty (20) rounds 7.65mm PPU ammunition.

On November 27, 2023, the United States filed a Motion for Preliminary Order of Forfeiture, which was granted on November 28, 2023, when this Court issued a Preliminary Order of Forfeiture regarding the above-mentioned firearms and ammunition.

On November 27, 2023, Defendant appeared before this Court for sentencing. At the sentencing hearing, the Court did not orally pronounce forfeiture as part of the sentence. However, the notice requirements regarding forfeiture mandated in Fed. R. Crim. R. 32.2(b)(4)(B) were satisfied as the forfeiture of the firearms and ammunition was agreed to by the parties in the Preliminary Order of Forfeiture, as evidenced by the plea agreement (Doc. # 87) and thus Defendant

knew of the forfeiture at sentencing.

On November 27, 2023, the Court entered its Judgment of record. However, the written Judgment (Doc. # 105) does not address forfeiture as part of Defendant's sentence as required by Fed. R. Crim. R. 32.2(b)(4)(B), which provides that "(t)he court must also include the forfeiture order, directly or by reference, in the judgment." But the Rule goes on to say that the Judgment can be corrected under Fed. R. Crim. P. 36. *Id.*

NOW THEREFORE, the United States of America prays this Honorable Court for an Order pursuant to Fed. R. Crim. P. 36 correcting the Judgment (Doc. # 105) in this case, as set forth in the Second Superseding Indictment and the Preliminary Order of Forfeiture, to reflect that Defendant has forfeited to the United States his interest in:

- one (1) Taurus G3 9 mm Pistol bearing serial number ACH115995;
- one (1) firearm silencer bearing markings: ML25LT 3CLE200383511 Freedom Engineering ½ to LED C Mag;
- one (1) firearm silencer described as a non-ferrous metal cylindrical device with black finish on the exterior measuring approximately 9-3/4 inches in length and containing a monocore baffle and not identified by a serial number (ATF Exhibit 10);
- one (1) firearm silencer described as a non-ferrous metal cylindrical device with black finish on the exterior measuring approximately 9-3/4 inches in length and containing a monocore baffle and not identified by a serial number (ATF Exhibit 36A);
- one (1) firearm silencer described as a non-ferrous metal cylindrical device that is silver in color measuring approximately 9-7/8 inches and not identified by a serial number;
- one (1) firearm silencer described as a set of six firearm baffles, silver in color, made from an aluminum material measuring 1-1/8 inches in length and not identified by a serial number;
- one (1) firearm silencer described as a cylindrical device, silver in color measuring approximately 9-5/8 inches in length containing an outer body and a monocore baffle which incorporates integral front and rear end-caps and not identified by a serial number (ATF exhibit 40);
- one (1) Aero Precision, Model X15, serial number X390376;
- one (1) Unknown Mfg, Unknown model, serial number RX6626;

- one (1) Taurus, Model G3, serial number ACH116328;
- one (1) Taurus, Model G3, serial number ACH115995;
- fifty (50) rounds Sellier and Bellot 9mm ammunition;
- fifty (50) rounds Sellier and Bellot 9mm ammunition;
- four (4) rounds .300 Win Mag ammunition; and
- twenty (20) rounds 7.65mm PPU ammunition.

Respectfully submitted,

CHRISTOPHER J. WILSON
United States Attorney

s/ Clay A. Compton
CLAY A. COMPTON, OBA # 19781
Assistant United States Attorney
520 Denison Avenue
Muskogee, OK 74401
Phone: 918-684-5100
Fax: 918-684-5150
clay.compton@usdoj.gov

CERTIFICATE OF SERVICE

I, hereby certify that on April 12, 2024, I electronically transmitted the attached documents to the Clerk of Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants: Roger Hilfiger, Attorney for Defendant.

s/ Clay A. Compton
CLAY A. COMPTON
Assistant United States Attorney